

DOCKET NO: NNH-CV17-6072389-S	:	SUPERIOR COURT
	:	
ELIYAHU MIRLIS	:	J.D. OF NEW HAVEN
	:	
V.	:	
	:	AT NEW HAVEN
YESHIVA OF NEW HAVEN, INC. FKA	:	
THE GAN, INC. FKA THE GAN	:	
SCHOOL, TIKVAH HIGH SCHOOL AND	:	
YESHIVA OF NEW HAVEN, INC.	:	AUGUST 4, 2019

**DEFENDANT’S OBJECTION TO PLAINTIFF’S CASEFLOW REQUEST TO  
SCHEDULE VALUATION HEARING FOR WEEK OF AUGUST 19, 2019**

The defendant, The Yeshiva of New Haven, Inc. (the “Yeshiva” or the “Defendant”), by and through its undersigned counsel, hereby objects to the request filed by plaintiff, Eliyahu Mirlis (“Mirlis” or the “Plaintiff”) to schedule the valuation hearing in this matter for the week of August 19, 2019. Doc. No. 125.00. For the reasons set forth below, Defendant respectfully requests that the hearing be held after October 7, 2019.

The undersigned will be on vacation with his family through Saturday, August 17, 2019. On August 19, 2019 at 2:00 PM, the undersigned, along with Attorney Kellianne Baranowsky, also of Green & Sklarz LLC, has a trial management conference in the matter of *New England Mercantile Group LLC v. Barnell et al.*, HHD-CV14-6069683-S. Green & Sklarz LLC is counsel to defendants in that case, in which the plaintiff seeks a recovery against defendants in excess of \$10 million. Jury Selection commences on August 26, 2019, with the first day of trial scheduled for September 3, 2019. Trial is expected to last from September 3 until September 27, 2019. September 30 and October 1, 2019 are Rosh Hashanah, and October 9, 2019 is Yom Kippur, which the undersigned celebrates. On October 3, 2019, the undersigned is scheduled to speak at the Connecticut Bar Association’s, Commercial Law and Bankruptcy Annual Conference.

The undersigned should be permitted to devote sufficient time to preparing for trial in *New England Mercantile Group LLC v. Barnell*, which was scheduled prior to Plaintiff filing its motion for strict foreclosure in this case. Further, the undersigned should not have to cancel vacation plans to prepare for the valuation hearing. Accordingly, other than the time previously set aside by this Court for the morning of August 23, 2019, the undersigned will be unavailable during the week of August 19, 2019 due to trial preparation, including witness preparation, concerning the *New England Mercantile Group LLC v. Barnell* matter.

Further, Defendant should not be prejudiced simply because Plaintiff wants this hearing now, instead of in October. Indeed, Plaintiff waited many months – over a year – between entry of summary judgment and the filing of his motion for strict foreclosure. While no prejudice would result to Plaintiff by waiting an additional 6 weeks to hold the valuation hearing, depriving Defendant of the undersigned as counsel at the hearing would be prejudicial. The undersigned has substantial knowledge of this case, which has been gleaned over several years. Replacement counsel would not have that base of knowledge. Further, Defendant’s right to select its own counsel would be truncated, which raises fairness issues. *See Am. Heritage Agency, Inc. v. Gelinas*, 62 Conn. App. 711, 725 (2001) (even when considering disqualification of conflicted counsel: “we must be solicitous of a client’s right freely to choose his counsel.”) Waiting to have the valuation hearing until the undersigned’s trial is completed will not harm Plaintiff; depriving Defendant of its selected lawyer will harm Defendant.<sup>1</sup>

Thus, Defendant respectfully requests that the valuation hearing in this matter be held after October 7, 2019, and preferably during the weeks of October 21, 2019 or October 28, 2019, in order to accommodate Plaintiff’s counsel’s trial set to commence at the beginning of October.

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<sup>1</sup> Defendant waives any timing requirement concerning Plaintiff’s appraisal should the Court adjourn this matter to October.

THE DEFENDANT:

The Yeshiva of New Haven, Inc. fka The  
Gan, Inc., fka The Gan School, Tikvah High  
School and Yeshiva of New Haven, Inc.

By: /s/ Jeffrey M. Sklarz  
Jeffrey M. Sklarz  
Green & Sklarz LLC  
700 State Street, Suite 100  
New Haven, CT 06511  
(203) 285-8545  
Fax: (203) 823-4546  
[jsklarz@gs-lawfirm.com](mailto:jsklarz@gs-lawfirm.com)

**CERTIFICATE OF SERVICE**

This is to certify that on August 4, 2019, a copy of the foregoing was sent to all appearing parties and counsel of record as follows via electronic email:

Matthew Beatman  
John L. Cesaroni  
Zeisler & Zeisler, P.C.  
10 Middle Street, 15<sup>th</sup> Floor  
Bridgeport, Connecticut 06604  
[mbeatman@zeislaw.com](mailto:mbeatman@zeislaw.com)  
[jcesaroni@zeislaw.com](mailto:jcesaroni@zeislaw.com)

/s/ Jeffrey M. Sklarz